

HUMAN SERVICES BOARD

INTRODUCTION

DISCUSSION

On August 29, 2007 the Board mailed the petitioner a letter advising him that his appeal would be dismissed if he did not contact the Board within seven days. There being no

response from the petitioner, on September 20, 2007 the Board dismissed his appeal for failure to appear. None of the notices sent to the petitioner were returned to the Board.

On September 21, 2007 the Board received a telephone call from the petitioner in which he indicated his dissatisfaction with his case having been dismissed. The Board's clerk advised the petitioner to file a written request to reopen the matter. On September 24, 2007 the Board received a letter from the petitioner (dated September 21, 2007) requesting that the matter be reopened.

Following a scheduling notice sent by the Board on October 11, 2007, a hearing on the motion to reopen was held in Newport, Vermont on October 31, 2007. The petitioner appeared in person. The hearing officer and the Department's attorneys participated by speakerphone.

At the hearing the petitioner gave conflicting information regarding whether he had received any of the prior notices the Board had sent to him. The petitioner indicated that he still disagreed with the Department's decision terminating his eligibility for the Medicare Savings Program, under which certain Medicaid recipients are eligible for Medicaid payment of their monthly Social Security Medicare premiums. Inasmuch as eligibility for this program

is based solely on income, the hearing officer and the Department advised the petitioner that he could reapply for the program based on his current income, and that if his application is denied he can file for a new appeal. On November 6, 2007 the hearing officer confirmed that the petitioner had filed such an application and that a decision was pending.

The Board has held that it will not reopen any matter in the absence of good cause. See Fair Hearing No. 19,057. It has held that an unsupported claim of non-receipt of notices does not amount to good cause, especially when an individual cannot demonstrate any likelihood of prevailing on the original merits and can reapply for the benefits in question with no or minimal prejudice. See Fair Hearing No. 18,724.

ORDER

The petitioner's request to reopen this matter is denied.

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